THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.7580 of 2007

Date: 13.04.2007

Between:

P.Rudramma.

....Petitioner

And

The District Registrar and another.

....Respondents

O R D E R:

Petitioner states that she is the owner and possessor of agricultural land admeasuring Acs.4.14 cents in Sy.No.275 of Kallur Village & Mandal, Kurnool District. It is stated that she intended to sell the said land and in that process, approached the second respondent, to register the same in favour of the intending purchaser. The grievance of the petitioner is that the second respondent is not accepting any document for registration, on the ground that the land belongs to a Wakf. This writ petition is filed seeking appropriate directions to the respondents, in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Assuming that there is any claim over the land by any Wakf, and the Government is satisfied about it, the only way through which the transactions could have been prohibited is by issuing notifications, under section 22-A of the Registration Act, 1908 preventing the registration of documents in respect of the lands to be mentioned therein. The said provision was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1]**.**

Once the sole basis for the second respondent to refuse registration had disappeared, he is under obligation to receive the documents and consider the same, in accordance with the provisions of the Indian Stamp Act and the Registration Act.

Hence, the Writ Petition is disposed of, directing the second

respondent to receive and process the document, if any, presented by the petitioner and take necessary steps, in accordance with the provisions of the Indian Stamp Act and the Registration Act, within one (1) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

_____

13.04.2007

Note: Issue c.c. in three days.
(B/o)
kdl

---

[1] AIR 2005 SC 3401 = (2005) 12 SCC 77